

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VINCENT LEUNG, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

XPO LOGISTICS, INC.,

Defendant.

No. 15 CV 03877

Judge Edmond E. Chang

**STATUS REPORT REGARDING NOTICE & CLAIM RATE**

Pursuant to the Court's order of preliminary approval, the parties submit the following status report on notice.

1. Class Notice was sent via e-mail as well as via mail for those persons the parties did not have an e-mail address. To date, there are 5,974 web claims, 264 paper claims, and 51 IVR claims for a total of 6,271 claims. As such, the current claim rate is 2.02%.

2. Without additional notice<sup>1</sup>, the class administrator, KCC, estimates approximately 1,000 additional claims per week filed on the website. *See Exhibit 1*. For the final week, it estimates approximately 1,500 claims will be filed on the website. KCC also estimates that there will be an additional 900 paper claims filed and 50 additional claims filed by IVR. In total, KCC estimates 11,721 claims filed, or a filing rate of approximately 3.8%, by January 30, 2018, the end of the claims period.

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<sup>1</sup> On December 15, 2017, a reminder e-mail notice was sent, but due to an error with the vendor only 51,927 out of the 241,000 e-mails were sent. *See Exhibit 2*. The 1remaining 89,547 reminder e-mails that were not sent will be sent December 29, 2017.

3. Although 3.8% is close to the average claim rate for consumer cases and in-line with many TCPA class actions, especially for a claim period that covers the holidays, the parties have agreed pursuant to the Settlement Agreement to send, by January 5, 2018, a final notice via mail to the 240,074 class members who only previously received e-mail notice and have not yet filed a claim. This notice is identical to the notice previously approved and mailed except that it states Final Notice. *See Exhibit 2.*

Respectfully Submitted,

/s/ Keith J. Keogh

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#### **CERTIFICATE OF SERVICE**

I certify that on December 29, 2017, I electronically filed the foregoing Status Report via the Court's CM/ECF system, which will perfect service upon all parties in this action via their counsel of record.

s/ Keith J. Keogh

*Attorney for Plaintiff*